

REMARKS

Claims 1-5, 7 and 9-12 are all the claims pending in the application.

Claim Rejections - 35 U.S.C. § 103

Murata and Lee

Claims 1-5, 7, 9, 10 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata (U.S. Patent No. 4,935,665) and Lee (U.S. Patent No. 6,637,922). Applicants respectfully traverse this rejection at least because one of ordinary skill in the art would not have modified Murata with Lee to reach the claimed invention.

Claim 1 recites, among other things, a light-emitting element and a fluorescent body with a rotationally asymmetric shape filled around the light-emitting element. Initially, the Examiner asserts that Murata teaches a rotationally asymmetric body 3, 7, 31 filled around a semiconductor chip 2, but acknowledges that it is not a fluorescent body (*see* item 3 on page 3 of the Office Action, referencing Figs. 14 and 16-18). In order to correct this deficiency, the Examiner cites Lee and asserts that it teaches a fluorescent material disposed about a light source. Specifically, Fig. 3 of Lee discloses a lens 2' which contains fluorescent material 4.¹ However, there are several reasons why Murata and Lee would not be combined to reach the claimed invention.

Initially, the elements (3, 7 and 31) that the Examiner asserts constitute the alleged asymmetric body are not all the same. For example, element 7 is an organic polymer layer while

¹ It is noted that the Examiner does not specifically reference Fig. 3, but instead cites Fig. 1B, which does not include fluorescent material. However, the lines of text (column 2, lines 33-45) that the Examiner cites refer to Fig. 3, which includes a lens 2' with fluorescent material 4.

element 3 is a lens plate which includes lenses 31. Only the organic polymer layer 7 is filled around the light emitting diodes (LEDs) 2. The lens plate 3 and lenses 31 are not filled around the LEDs. As discussed in the previous Response (filed January 25, 2006), the Lee fluorescent material 4 is in a lens 2'. Therefore, even if one of ordinary skill in the art would have been motivated to modify Murata with the fluorescent material 4 of the Lee lens 2', he would have modified the Murata lens plate 3 or lenses 31. Accordingly, even it were appropriate to modify Murata with Lee, the result would be a lens plate 3 or lenses 31 with fluorescent material. However, since the Murata lens plate 3 and lenses 31 are not filled around the LED 2 they cannot constitute the claimed fluorescent body.

While Murata may teach an organic layer 7 filled around LEDs 2, there is no motivation for modifying the Murata organic layer 7 with the Lee lens 2' so that it is a fluorescent body. Particularly, the organic layer 7 is not comparable to the lens 2'. As seen in Fig. 3, the area around the Lee bulb 12 is empty. Certainly, the fluorescent material 4 of the lens 2' is not filled around the bulb 12. Similarly, Murata teaches a hollow around LEDs 2. This hollow 11 may be empty (*see* Figs. 1-11) or may be filled in with organic layer 7 (*see* Figs. 14-18). If anything, this hollow space around the bulb 12 in Lee, is comparable to the Murata hollow 11. Lee discloses only embodiments in which the space around the bulb 12 is empty. Murata teaches that the hollow 11 may be empty or that an organic layer 7 may be filled in around the LEDs 2 (*see* Figs. 14-18). However, neither Lee nor Murata discloses a fluorescent body filled in the hollow 11 and around a light emitting element. Since neither Lee nor Murata provides any teaching of a fluorescent body or material filled around a light emitting element, even if it were proper to

combine the references, it could not result in a device in which a fluorescent body filled in around a light emitting element as claimed.

Finally, Applicants reassert that modifying the Murata transparent organic polymer layer 7 to include a fluorescent material would be against the specific teaching of Murata. Murata specifically teaches that the organic layer 7 is transparent (*see*, for example, column 8, lines 58-63). If the organic layer 7 was modified to be fluorescent it would no longer be transparent, fluorescence being different from transparency. Therefore, modifying the organic layer 7 to be fluorescent would require going against the specific teaching of Murata of a transparent organic layer 7.

In view of the above, claim 1 is allowable over the combined teachings of Murata and Lee. Claims 2-5, 7 and 9-12 depend from claim 1 and are therefore allowable at least because of their dependency.

Murata, Lee and Segoshi

Claims 4 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata in view of Lee and further in view of Segoshi. Claims 4 and 11 depend from claim 1. The Examiner cites Segoshi only as teaching a blind. Even if it were appropriate to modify Murata and Lee with Segoshi, it would not correct the above-noted deficiencies of Murata and Lee with respect to claim 1 and claims 4 and 11 would be allowable at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

RESPONSE UNDER 37 C.F.R. §1.116
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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

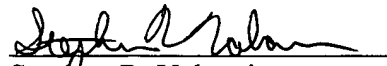
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